

# UNITED STATES DISTRICT COURT

Eastern

District of

North Carolina

UNITED STATES OF AMERICA

V.

CAPT. NEILL'S SEAFOOD, INC.

## JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

CASE NUMBER: 2:19-CR-12-1FL

Elliott S. Abrams

Defendant Organization's Attorney

### THE DEFENDANT ORGANIZATION:

- ☒ pleaded guilty to count(s) 1
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
16 U.S.C. §§ 3372(d)(1), 3373(d)(3)(A)(i) and (ii), and 18 U.S.C. § 2	Lacey Act False Labeling and Aiding and Abetting	6/15/2015	1

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

- ☐ The defendant organization has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

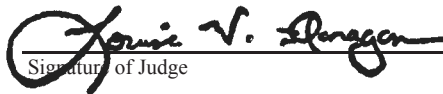
Defendant Organization's  
Federal Employer I.D. No.: 56-1611880

Defendant Organization's Principal Business Address:

508 North Road Street  
Columbia, NC 27925

1/9/2020

Date of Imposition of Judgment

  
Signature of Judge

Louise W. Flanagan

Name of Judge

U.S. District Judge

Title of Judge

1/9/2020

Date

Defendant Organization's Mailing Address:

P.O. Box 164  
Columbia, NC 27925

DEFENDANT ORGANIZATION: CAPT. NEILL'S SEAFOOD, INC.  
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## **PROBATION**

The defendant organization is hereby sentenced to probation for a term of :  
**5 years**

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

## **STANDARD CONDITIONS OF SUPERVISION**

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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### **ADDITIONAL PROBATION TERMS**

The defendant shall appoint a Compliance Officer. The appointment of the Compliance Officer will be approved by the Government and the USPO within 30 days of submission by the defendant. The compliance officer shall ensure the defendant, and all related business entities, adheres to all local, state, and federal laws and regulations and in particular, the labeling of any products pursuant to the provisions of the Lacey Act, as well as any applicable whistleblower provisions.

The defendant shall retain a Compliance Officer throughout the period of probation. The defendant shall develop, adopt, implement, and fund a corporate compliance plan (CCP). The purpose of the CCP is to ensure that the corporate defendant, and all related business entities, adheres to all local, state, and federal laws and regulations and in particular, the labeling of any products pursuant to the provisions of the Lacey Act, as well as any applicable whistleblower provisions. The CCP shall be implemented within 30 days of this judgment and accessible to all members of company.

A copy of the CCP shall be provided to the United States Probation Office and the government. After the CCP has been adopted, any proposed modifications to the CCP shall be provided, in writing, to the USPO and the government for approval.

The defendant shall adopt, implement, and enforce a training program for all employees. Further, the defendant shall establish a means by which employees may report (anonymously if so desired) issues of non-compliance with this CCP.

Within 90 days of sentencing, the defendant shall institute a quality control system, to be administered by the Compliance Officer, to ensure the proper labeling of all products. This quality control system will include a system of random sampling, which shall be conducted at least quarterly, that is (4) times per year. The results of all sampling shall be provided to the USPO and the Government within 3 business days of being received.

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### CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 400.00	\$ 500,000.00	\$

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<b>TOTALS</b>	\$ 0.00	\$ 0.00	

- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☒ the interest requirement is waived for the ☒ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A** ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance with ☐ C or ☐ D below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C** ☐ Payment in quarterly (e.g., equal, weekly, monthly, quarterly) installments of \$ 25,000.00 over a period of 60 (e.g., months or years), to commence 90 (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☒ Special instructions regarding the payment of criminal monetary penalties:
- The fine is payable to the Magnuson-Stevens Conservation and Management Act Fund pursuant to 16 U.S.C. § 1861(e).

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.